

NOTICE OF PUBLIC HEARING

Public Hearing #2006-001

A public hearing will be held by the Tennessee Division of Water Pollution Control regarding the proposal by the Canadian National Railway to replace segments of timber railroad trestle over the Hatchie River with fill material. The project requires a water quality permit from the state of Tennessee under *The Tennessee Water Quality Control Act of 1977* and a §401 Water Quality Certification under the *Clean Water Act*.

The details of the Public Meeting are as follows:

Date: February 21, 2006
Time: 6:00 PM
Location: Best Western Inn Covington
Banquet Room
873 Highway 51, North
Covington, TN 38019

PROJECT DESCRIPTION: The project consists of replacement of approximately 990 linear feet of timber railroad trestle (single track) with fill material in three segments. The height of fill material varies between 10 and 15 feet with 1.7:1 side slopes, a maximum base width of 65 feet and within an area totaling 1.93. The fill material would consist of crushed stone aggregate. The project site is located under the railroad and within the right of way. The right of way is cleared of vegetation and is maintained with herbicide.

The project also includes existing fill of 793 feet of trestle that was permitted by the division in 1996 under exigency circumstances for which compensation was never achieved.

Approximately 1.18 acres of wetlands were impacted as a result. Thus, cumulative direct wetland impact totals 3.11 acres. The applicant proposes to mitigate for these impacts by purchasing credits from wetland mitigation completed at a site near Sunk Lake Natural Area in Lauderdale County, TN.

The division has formally assessed the Hatchie River at the railway crossing and the floodplain wetlands immediately adjacent to the river as tier II high quality. It is also designated as a Class I Natural River Area by *The Tennessee Scenic Rivers Act*. The public meeting will be held regarding the applicant's desire to proceed with this project despite the Division's finding that the project will result in degradation to Tier II waters.

Persons wishing to comment on or object to the proposal are invited to deliver oral or written comment at the public hearing. Written testimony will be accepted for at least 10 days following the hearing and will be considered part of the official record. The public is also invited to submit comments in writing to the Division of Water Pollution Control at the address printed below. After considering all public comments, the division will publish a notice announcing the division's determination of whether or not the degradation is justified and whether or not a permit will be issued.

Individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to September 20, 2005, to allow time to provide such aid or services. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

The permit application and supporting documentation are available for review at the division office during business hours at the following address:

Division of Water Pollution Control
attn: Robert Baker
7th Floor, Life and Casualty Annex
401 Church Street
Nashville, TN 37243-1534